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U.S. DISTRICT COURT E.D.N.Y.
★ OCT 31 2011 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
- - - - - - - - - - - - - - - - - - - X
Abdul Rahim Howard,

-against-

UNITED STATES OF AMERICA,

- - - - - - - - - - - - - - - - - - - X

O R D E R
11-cv-5208(FB)

BLOCK, J.

The recently enacted Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-112, 110 Stat. 1214 (1996) (the 'AEDPA") provides that a second or successive motion must be certified as provided in § 2244 by a panel of the Court of Appeals to contain newly discovered evidence or a new rule of constitutional law made retroactive to cases or collateral review by the Supreme Court that was previously unavailable. Procedurally, the petitioner is also required to first move in the Court of Appeals for an order authorizing the district court to consider the application.

This petition is a successive one within the meaning of the amended § 2244 and has not been authorized as required. In accordance with the direction given district courts in Liriano v. United States, 1996 WL 501780 (2d Cir. Aug. 28, 1996) and 28 U.S.C. § 1631, this petition is hereby transferred to the United States Court of Appeals for the Second Circuit.

SO ORDERED:

/Signed by Judge Block/

U.S.D.J.

Dated: Brooklyn, New York
October 31, 2011